



House of Representatives

General Assembly

File No. 721

January Session, 2013

House Bill No. 6487

House of Representatives, May 6, 2013

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR LIMB.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2013*) (a) If a tree located on
2 private real property, other than real property owned by a nonprofit
3 organization qualified as a tax-exempt organization under Section
4 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent
5 corresponding internal revenue code of the United States, as amended
6 from time to time, or a limb from such tree falls on an adjoining private
7 property owner's land, the owner of the real property from which such
8 tree or limb fell shall be liable for the expenses of removing such tree
9 or limb from such adjoining private property owner's land, if, prior to
10 such tree or limb falling: (1) An arborist, as defined in section 23-61a of
11 the general statutes, inspected the tree and documented that the tree or
12 limb was diseased or likely to fall; (2) the adjoining private property
13 owner provided notice to the owner of the real property from which
14 such tree or limb fell that the tree or limb was diseased or likely to fall

15 and requested that such tree or limb be removed or pruned; and (3) the
16 owner of the real property from which such tree or limb fell failed to
17 remove or prune such tree or limb after receiving such notice. If the
18 arborist requires access to the property to inspect the tree and the
19 property owner on which such tree is located refuses consent for such
20 inspection, the arborist may limit such inspection to the portions of the
21 tree or limb that are visible from the adjoining private property
22 owner's land.

23 (b) The provisions of this section shall not affect any rights of a
24 policyholder under a liability insurance policy, except that the
25 insurance company that issued such insurance policy may deduct from
26 any amount owed to such insured for a covered loss arising from such
27 tree or limb falling, the amount recovered by the policyholder
28 pursuant to subsection (a) of this section to the extent that such
29 amount would have been a covered loss under such insurance policy.

30 (c) The provisions of this section shall not be construed to limit any
31 person's right to pursue any additional civil remedy otherwise allowed
32 by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	New section

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

There is no fiscal impact to the Judicial Department from the imposition of liability on certain private property owners for the expenses of removing a tree or limb from an adjoining property that fell from a tree located on the owner's property onto the adjoining property.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 6487*****AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR LIMB.*****SUMMARY:**

This bill establishes conditions in which a private land owner is liable to pay for removing a tree or tree limb that falls from his or her property onto an adjoining private owner's land. But the bill excludes nonprofit organizations from this liability.

Under the bill, the owner is liable if, before the tree or limb fell:

1. a licensed arborist inspected the tree and documented that the tree or limb was diseased or likely to fall,
2. the adjoining property owner notified the land owner about the tree's or limb's condition and requested that the tree or limb be removed or pruned, and
3. the land owner failed to do so after receiving this notice.

Under the bill, if an arborist needs access to the property for such an inspection and the owner does not consent, the arborist can limit the inspection to the tree or limb portions that are visible from the adjoining land.

The bill allows an insurance company to deduct from a payment under a liability policy the amount the policyholder recovers under the bill, to the extent that amount would be a covered loss under the policy. It does not otherwise affect a policyholder's rights under a liability policy.

It also specifies that it must not be construed to limit other civil

remedies allowed by law.

EFFECTIVE DATE: October 1, 2013

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/19/2013)